

Rick L. Rose (UT SBN 5140)  
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Thomas G. Stayton (*pro hac vice*) (IN SBN 683-49)  
Andrea Roberts (*pro hac vice*) (IN SBN 18435-49)  
BAKER & DANIELS  
300 North Meridian Street, Suite 2700  
Indianapolis, Indiana 46204  
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FILED  
CLERK, U.S. DISTRICT COURT

2005 FEB -1 P 1:52

DISTRICT OF UTAH

BY: \_\_\_\_\_  
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JAN 28 2005

U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

VALERIE ANN GRIFFITHS-RAST, an  
individual,

Plaintiff,

v.

SULZER SPINE TECH, INC., a Minnesota  
Corporation; and PRAVEEN G. PRASAD, an  
individual,

Defendants.

**PROTECTIVE ORDER**

Case No. 2:02CV1267

Judge Dale A. Kimball

The parties have stipulated to the entry of this Protective Order in regard to certain discovery material to be made available by Defendant Sulzer Spine Tech, Inc., n/k/a Zimmer Spine, Inc. ("Zimmer Spine"). This discovery material includes trade secrets and confidential, proprietary and non-public documents and information, the public disclosure of which could be detrimental to the interests of Zimmer Spine and/or related corporate entities; documents which may contain information that is personal and confidential to third parties, including individuals; and documents and information subject to a claim of privilege or

immunity from discovery (including but not limited to attorney-client privilege, work product immunity, and immunities created by federal or state statute or regulation). The parties agree that the above-described documents and information should be given the protection of an order of this Court to prevent irreparable harm through disclosure to persons other than those persons involved in the prosecution or defense of this litigation.

THEREFORE, FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the following Protective Order shall govern discovery in the above-captioned matter, as follows:

1. The following definition shall apply to this Order: A "stamped confidential document" means any document which bears the legend (or which shall otherwise have had the legend recorded upon it in a way that brings its attention to a reasonable examiner) "CONFIDENTIAL" or "CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER" to signify that it contains information subject to protection under Rule 26(c)(7), Federal Rules of Civil Procedure, or federal or state statute or regulation. For purposes of this Order, the term "document" means all written, recorded, or graphic material produced or created by a party or any other person, whether produced pursuant to the Federal Rules of Civil Procedure, subpoena, by agreement, or otherwise. Interrogatory answers, responses to requests for admission, deposition transcripts and exhibits, pleadings, motions, affidavits, and briefs that quote, summarize, or contain materials entitled to protection may be accorded status as stamped confidential documents, but, to the extent feasible, shall be prepared in such a manner that stamped confidential documents are bound separately from those not entitled to protection.

2. Stamped confidential documents and their contents, as well as copies, summaries, notes, memoranda and computer databases relating thereto, shall be and remain

confidential, and shall not be disclosed in any fashion, nor be used for any purpose other than the analysis and preparation for trial of this action, except with the prior written consent of the party or other person originally designating a document as a stamped confidential document, or as hereinafter provided under this Order.

3. Notwithstanding paragraph 2, stamped confidential documents may be disclosed to counsel of record for the parties to this action who are actively engaged in the conduct of this litigation; to the partners, associates, secretaries, paralegal assistants, and employees of such an attorney to the extent reasonably necessary to render professional services in the litigation; to persons with prior knowledge of the documents or the confidential information contained therein, and their agents; and to court officials involved in this litigation (including court reporters, persons operating video recording equipment at depositions, and any special master appointed by the Court). Subject to the provisions of subparagraph 3(c), such documents may also be disclosed:

(a) to any person designated by the Court in the interest of justice, upon such terms as the Court may deem proper; and

(b) to persons noticed for depositions or designated as trial witnesses to the extent reasonably necessary in preparing to testify; and to outside consultants or experts retained for the purpose of assisting counsel in the litigation; provided, however, that in all such cases, except as noted in paragraph 3(c) below, the individual to whom disclosure is to be made has signed and filed with the Court a Confidentiality Agreement, the form of which is attached hereto as Exhibit A, containing —

(1) a recital that the signatory has read and understands this Order and will abide by it;

(2) a recital that the signatory understands that unauthorized disclosures of stamped confidential documents and their substance constitute contempt of court; and

(3) a statement that the signatory consents to the exercise of personal jurisdiction by this Court for purposes of enforcing this Order.

(c) Each outside consultant or expert retained for the purpose of assisting counsel in this litigation to whom disclosure is made pursuant to paragraph 3(b) above must sign a Confidentiality Agreement, the form of which is attached hereto as Exhibit A. That Agreement then must be returned to plaintiff's counsel who shall retain any such Agreements during the pendency of the litigation and must certify in writing to Zimmer Spine's counsel that (1) a disclosure was made to a consulting expert and (2) the consulting expert signed and returned the Confidentiality Agreement.

(d) Before disclosing stamped confidential documents to any person listed in subparagraph 3(a) or 3(b) who is a customer or competitor (including employees or consultants of either) of the party that so designated the document, the party wishing to make such disclosure shall give at least 15 days advance notice in writing to the counsel who designated such information as confidential, stating the names and addresses of the person(s) to whom the disclosure will be made, identifying with particularity the documents to be disclosed, and stating the purposes of such disclosure. If, within the 15-day period, a motion is filed objecting to the proposed disclosure, the disclosure shall not be made unless and until the Court has denied such motion. The Court will deny the motion unless the objecting party shows good cause why the proposed disclosure should not be permitted.

(1) As used in this paragraph 3(d), the term "customer" means any direct purchaser of products from any defendant, or any regular indirect purchaser of defendants. The term "customer" is not meant to include physicians.

(2) As used in this paragraph 3(d), the term "competitor" means any manufacturer or seller of medical devices.

4. Each person executing the Confidentiality Agreement submits to the jurisdiction of this Court for the purposes of enforcement of this Order, either prior to or following the completion of this action. Jurisdiction of this action is to be retained by this Court after final determination for purposes of enabling any party or persons affected by this Order to apply to the Court at any time for such direction or further decree as may be appropriate for the construction or enforcement of this Order or for such additional relief as may become appropriate.

5. Nothing in this Order shall preclude the disclosure by a party of stamped confidential documents that it has produced.

6. Nothing in this Order shall preclude the disclosure by any party of publicly available documents or information.

7. Before being copied for production, documents intended to be brought within the scope of this Order shall be marked "CONFIDENTIAL" or "CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER."

8. Stamped confidential documents included as part of any pleading or memorandum shall be filed in sealed envelopes or other containers on which shall be endorsed the title of this action, an indication of the nature of the contents, the word "CONFIDENTIAL" and the following statement:

This envelope containing documents that are filed in this case by [name of party] is not to be opened nor the contents thereof to be revealed except by court order; provided, however, that counsel of record in this case may open this envelope in the office of the Clerk of this Court and there inspect the contents hereof, without order of Court, and upon completion of each inspection by counsel, the envelope containing such documents shall be resealed.

9. Persons with knowledge may be deposed regarding stamped confidential documents or the subject matter thereof. Only the parties and persons described in paragraph 3, including the court reporter and the witness, shall be present at such depositions. Transcripts of said depositions shall be treated as stamped confidential documents in accordance with this Order.

10. If, at the time of trial, counsel for any of the parties attempts to introduce into evidence or use in cross-examination any stamped confidential documents, whether as part of a document or deposition testimony, counsel for either party may request the Court to preserve the confidentiality of that stamped confidential document as the Court deems appropriate.

11. In the event that another party disagrees with a party's designation of any document or information as confidential, the objecting party shall advise counsel for the designating party, in writing, of the objection and identify the document or item with sufficient specificity to permit identification. Within 20 days of receiving the objection, the designating party shall advise the objecting party's counsel whether the designating party will change the designation of the document or item. If this cannot be resolved between the parties, then the dispute will be presented to the Court by motion or otherwise. During the pendency of any such motion, the designated document or item shall continue to be treated as a stamped confidential document and subject to the provisions of this Order. On the hearing of any such motion, the burden shall be on the designating party to establish that the designated document or item should be deemed confidential. If the Court determines that a document or documents should not have

been designated confidential, the Court may, in the Court's discretion, order the designating party to pay the objecting party's reasonable attorney's fees and expenses related to challenging the designation.

12. Nothing in this Order shall prevent or otherwise restrict counsel from rendering advice to their clients in this litigation and, in the course thereof, relying generally on examination of stamped confidential documents; provided, however, that in rendering such advice and otherwise communicating with such client, counsel shall not make specific disclosure of any item so designated except pursuant to the procedures of paragraphs 3(b) and 3(c).

13. If another court or an administrative agency subpoenas or orders production of stamped confidential documents which a party has obtained under the terms of this Order, such party shall promptly notify the party or other person who designated the document as confidential of such subpoena, order or other legal process.

14. If a producing party inadvertently or unintentionally produces to a receiving party any document without marking it as a stamped confidential document pursuant to paragraph 1, the producing party shall, within 30 days of the discovery of the inadvertent production, give notice to the receiving party in writing and thereafter the receiving party shall treat the document as a stamped confidential document. Such inadvertent or unintentional disclosure shall not be deemed a waiver in whole or in part of the producing party's claim of restriction either as to specific documents and information disclosed or on the same or related subject matter.

15. If a producing party inadvertently or unintentionally produces to a receiving party any documents or information subject to a claim of privilege or immunity from discovery (including but not limited to attorney-client privilege, work product immunity, and

immunities created by federal or state statute or regulation), the producing party shall, within 30 days of the discovery of the inadvertent production, give notice to the receiving party in writing of the producing party's claim of privilege or immunity from discovery. Thereafter, the receiving party shall immediately return to the producing party the original and all copies of the privileged materials, including copies of the privileged materials disseminated to other persons by the receiving party. Such inadvertent or unintentional disclosure shall not be deemed a waiver in whole or in part of the producing party's claim of privilege or immunity from discovery either as to specific documents and information disclosed or on the same or related subject matter. In the event that the receiving party disagrees with the producing party's claim of privilege or immunity from discovery, then the receiving party shall notify the producing party within five (5) business days of receipt of the producing party's written notice of claim of privilege, and shall set forth the precise grounds upon which the receiving party's position rests. If the parties cannot resolve the matter, then the dispute will be presented to the Court by motion or otherwise. During the pendency of any such motion, the receiving party shall not copy, distribute, or otherwise use in any manner the disputed documents or information, and shall instruct all persons to whom the receiving party has disseminated a copy of the documents or information that the documents or information are subject to this Order and may not be copied, distributed, or otherwise used pending the motion and further notice from the Court.

16. The provisions of this Order shall not terminate at the conclusion of this lawsuit. Within 90 days after final conclusion of all aspects of this litigation, stamped confidential documents, and all copies of same (other than exhibits of record) either shall be destroyed or returned to the producing party. All counsel of record shall make certification of

compliance herewith and shall deliver the same to counsel for the party who produced the documents not more than 120 days after final termination of this litigation.

17. The attorneys of record are responsible for employing reasonable measures to control and record, consistent with this Order, duplication of, access to, and distribution of stamped confidential documents, including abstracts and summaries thereof. No duplications of stamped confidential documents shall be made except by counsel to provide working copies and for filing in Court under seal pursuant to paragraph 8.

18. The Clerk may return to counsel or destroy any stamped confidential documents in its possession.

19. It is expressly understood by and between the parties that in granting access to or producing stamped confidential documents in this litigation, Zimmer Spine shall be relying upon the terms and conditions of this Order.

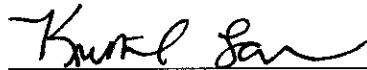
For the Plaintiff:



(David) Bruce Oliver  
180 South 300 West, Suite 210  
Salt Lake City, UT 84101-1490  
Telephone: (801) 328-8888

Date: 1-25-05

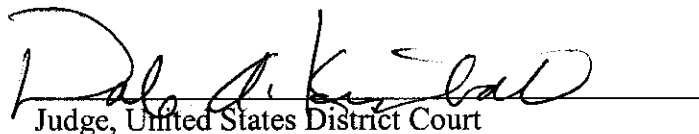
For the Defendant:



Andrea Roberts  
BAKER & DANIELS  
300 N. Meridian Street, Suite 2700  
Indianapolis, Indiana 46204  
Telephone: (317) 237-0300

Date: 1-28-05

APPROVED the 31<sup>st</sup> day of January, 2005.



Judge, United States District Court  
District of Utah  
Central Division

Rick L. Rose (UT SBN 5140)  
Kristine Larsen (UT SBN 9228)  
RAY QUINNEY & NEBEKER  
36 South State Street, Suite 1400  
Salt Lake City, Utah 84111  
(801) 532-1500  
(801) 532-7543 (fax)

Thomas G. Stayton (*pro hac vice*) (IN SBN 683-49)  
Andrea Roberts (*pro hac vice*) (IN SBN 18435-49)  
BAKER & DANIELS  
300 North Meridian Street, Suite 2700  
Indianapolis, Indiana 46204  
(317) 237-0300  
(317) 237-1000 (fax)

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

VALERIE ANN GRIFFITHS-RAST, an  
individual,

Plaintiff,

v.

SULZER SPINE TECH, INC., a Minnesota  
Corporation; and PRAVEEN G. PRASAD, an  
individual,

Defendants.

)  
)  
) **CONFIDENTIALITY AGREEMENT**

)  
) Case No. 2:02CV1267

)  
) Judge Dale A. Kimball  
)  
)  
)

1. I hereby acknowledge that I am about to receive confidential information supplied by Zimmer Spine, Inc. ("Zimmer Spine"). I am neither a customer nor a competitor, nor an employee or consultant to either a customer or competitor, of Zimmer Spine. Neither I nor any person associated with or employed by me is involved in any way in the manufacture, sale or design of orthopedic hardware identical, similar to, or used for the same purpose as the BAK Interbody Fusion System/Proximity Cage.

**EXHIBIT A**

2. I have read the Protective Order governing the restricted use of confidential information in this litigation, a copy of which order has been provided to me. I agree to be bound by the terms hereof.

3. I will not utilize any stamped confidential document or other information subject to the Protective Order for any purpose other than this litigation. I further affirm that I will not reveal the confidential information to, nor discuss it with, anyone, except in accordance with the terms of the Protective Order, and that I understand that unauthorized disclosure of stamped confidential documents and their substance constitutes contempt of court.

4. At the termination of this litigation, I will return all documents marked with the legend "CONFIDENTIAL" or "CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER" as well as any copies, summaries or abstracts of same, and documents related thereto, to the attorney providing confidential materials to me.

5. I submit to the jurisdiction of the United States District Court, District of Utah, Central Division as necessary to enforce the provisions of the Protective Order entered in the above-captioned matter.

Dated: \_\_\_\_\_

1/27/05

Signature

*B. Bruce Oliver*

Printed Name

B. BRUCE OLIVER

Address

180 So 300 W #210

City, State, Zip

SLC UT 84104

Telephone Number

328. 8888

United States District Court  
for the  
District of Utah  
February 1, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:02-cv-01267

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Christian W. Nelson, Esq.  
RICHARDS BRANDT MILLER & NELSON  
50 S MAIN ST STE 700  
PO BOX 2465  
SALT LAKE CITY, UT 84110  
EMAIL

Rick L. Rose, Esq.  
RAY QUINNEY & NEBEKER  
36 S STATE ST STE 1400  
PO BOX 45385  
SALT LAKE CITY, UT 84145-0385  
EMAIL

Thomas G. Stayton, Esq.  
BAKER & DANIELS  
300 N MERIDIAN ST STE 2700  
INDIANAPOLIS, IN 46204  
EMAIL

Mr. David B Oliver, Esq.  
180 S 300 W, #210  
Salt Lake City, UT 84101-1218  
EMAIL

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

JAN 26 2005

U.S. DISTRICT COURT

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|                           |   |                        |
|---------------------------|---|------------------------|
| UNITED STATES OF AMERICA, | : | 2:04CR 00846TS         |
| Plaintiff,                | : | ORDER GRANTING REQUEST |
| vs.                       | : | FOR ADDITIONAL TIME    |
|                           | : | TO PROVIDE DISCOVERY   |
| LAURIE O. LUDVIGSON,      | : | Judge Brooke C. Wells  |
| Defendant.                | : |                        |

---

Having reviewed the United States' request for additional time to provide the remaining discovery in the above-captioned case,

IT IS HEREBY ORDERED that all remaining discovery be provided to the defendant by February 11, 2005. *Motions shall be filed by March 4, 2005*  
DATED this 31 day of January 2005.

  
BROOKE C. WELLS DAVID NEUFER  
United States Magistrate Judge

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office, and that a copy of the foregoing ORDER GRANTING UNITED STATES' REQUEST FOR ADDITIONAL TIME TO PROVIDE DISCOVERY was mailed to the party named below, this 26th day of January, 2005:

Dale M. Dorius  
Attorney at Law  
29 South Main Street  
PO Box 895  
Brigham City, Utah 84302

---

Legal Assistant

jmr

United States District Court  
for the  
District of Utah  
February 1, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00846

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Elizabethanne C Stevens, Esq.  
US ATTORNEY'S OFFICE

,  
EMAIL

Mr. Dale M Dorius, Esq.  
29 S MAIN ST  
PO BOX 895  
BRIGHAM CITY, UT 84302  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH

,  
EMAIL

US Probation  
DISTRICT OF UTAH

,  
EMAIL

MANNING CURTIS BRADSHAW  
& BEDNAR LLC  
Kathleen W. Toth, #8437  
Sammi V. Anderson, #9543  
Third Floor Newhouse Building  
10 Exchange Place  
Salt Lake City, Utah 84111  
Telephone: (801) 363-5678  
Fax: (801) 364-5678

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CLERK U.S. DISTRICT COURT  
2005 JAN 31 P 4:09  
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JAN 28 2005  
U.S. DISTRICT COURT  
**RECEIVED**  
JAN 30 2005  
DEPUTY CLERK  
OFFICE OF  
JUDGE PAUL G. CASSELL

Attorneys for Wal-Mart Stores, Inc.

IN THE UNITED STATES JUDICIAL DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

|   |   |                            |
|---|---|----------------------------|
| HEIDI ALLAN, AUDREY KRESSER,<br>ROGER CHRISTENSEN, and TIM<br>VAN DYKE, | ) | <b>ORDER</b>               |
|   | ) |                            |
|   | ) |                            |
|   | ) |                            |
| Plaintiffs,   | ) |                            |
| vs.   | ) |                            |
|   | ) |                            |
| WAL-MART, INC., DOES 1-10,  | ) | Civil No.: 2:03CV00748 PGC |
|   | ) |                            |
| Defendants.   | ) | Judge Paul G. Cassell      |
|   | ) |                            |

Defendant Wal-Mart Stores, Inc. ("Wal-Mart") filed its Motion to Dismiss Plaintiff Allan's Claims for Lack of Standing on November 19, 2004. The Motion was supported by Memorandum in Support of Motion to Dismiss Plaintiff Allan's Claims for Lack of Standing. Having reviewed the pleadings on file, the Memoranda Supporting and Opposing Wal-Mart's Motion to Dismiss Plaintiff Allan's Claims for Lack of Standing, the Court hereby enters the following ORDER:

Plaintiff Heidi Allan's attorney, Troy Crossley, is disqualified from this case and no

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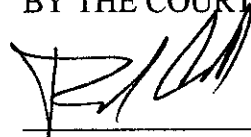
longer represents Plaintiffs in this matter.

The parties will depose Troy Crossley at some time after February 2, 2005 and before February 16, 2005.

Both Plaintiff Heidi Allan and Defendant Wal-Mart Stores, Inc. will file supplemental pleadings regarding the testimony of Troy Crossley and the impact and implications thereof on Wal-Mart's Motion to Dismiss Plaintiff Heidi Allan for Lack of Standing on February 25, 2005.

ENTERED this 31st day of January, 2005.

BY THE COURT:



Honorable Paul G. Cassell  
U.S. District Court Judge

APPROVED AS TO FORM:



P. Corper James  
WOODBURY & KESSLER, P.C.  
Attorneys for Plaintiffs

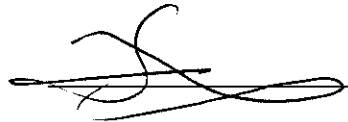
**CERTIFICATE OF SERVICE**

I hereby certify that I caused to be mailed, first class, postage prepaid, a true and correct copy of the foregoing this 28th day of January, 2005 to the following:

Troy L. Crossley  
P.O. Box 1484  
Provo, Utah 84603

Dana D. Lofgren Ball  
LOFGREN BALL LEGAL SERVICES  
1041 South Orem Blvd., Suite B  
Orem, Utah 84058

Reid W. Lambert  
P. Corper James  
WOODBURY & KESSLER, P.C.  
265 East 100 South, Suite 300  
Salt Lake City, Utah 84111

A handwritten signature in black ink, appearing to be 'S', is written over a horizontal line.

United States District Court  
for the  
District of Utah  
February 1, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:03-cv-00748

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Ms. Elizabeth T. Dunning, Esq.  
HOLME ROBERTS & OWEN LLP  
299 S MAIN ST STE 1800  
SALT LAKE CITY, UT 84111-2263  
EMAIL

Kathleen Weron Toth, Esq.  
MANNING CURTIS BRADSHAW & BEDNAR LLC  
THIRD FLOOR NEWHOUSE BLDG  
10 EXCHANGE PL  
SALT LAKE CITY, UT 84111  
EMAIL

Troy L. Crossley, Esq.  
351 W CENTER  
PO BOX 1484  
PROVO, UT 84603-1484  
EMAIL

Dana D. Lofgren Ball, Esq.  
LOFGREN BALL LEGAL SERVICES  
1041 S OREM BLVD #B  
OREM, UT 84058  
EMAIL

P. Corper James II, Esq.  
WOODBURY & KESLER  
265 E 100 S STE 300  
SALT LAKE CITY, UT 84111

Mr. Stephen W Rupp, Esq.  
MCKAY BURTON & THURMAN  
170 S MAIN STE 800  
SALT LAKE CITY, UT 84101

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

ZION'S FIRST NATIONAL BANK,

Plaintiff,

vs.

JAMES BUSICO,

Defendant.

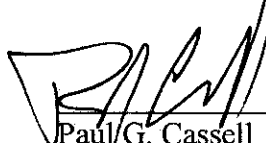
ORDER TO SHOW CAUSE

Case No. 2:04-CV-01158 PGC

On January 5, 2005, plaintiff Zion's First National Bank filed a motion to remand. As required by local rule 7(b)(3) of the Federal Rules of Civil Procedure, a memorandum opposing a motion must be filed within (15) days after service of the motion. As of the date of this order, defendant has yet to file a response. Therefore, the court ORDERS defendant, within 15 days of this order, to show cause as to why a response has not yet been filed and all reasons as to why plaintiff's motion to remand should not be granted.

DATED this 31<sup>st</sup> day of January, 2005.

BY THE COURT:

  
Paul G. Cassell  
United States District Judge

10

United States District Court  
for the  
District of Utah  
February 1, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-01158

True and correct copies of the attached were either mailed, faxed or e-mailed  
by the clerk to the following:

Mr. Jay V. Barney, Esq.  
9160 S 300 W STE 18  
SANDY, UT 84070

Scott T. Evans, Esq.  
CHRISTENSEN & JENSEN PC  
50 S MAIN STE 1500  
SALT LAKE CITY, UT 84144  
EMAIL

James D. Busico  
305 S 100 W  
TOOELE, UT 84074

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

FILED  
CLERK U.S. DISTRICT COURT

JAN 31 P 4:10

DISTRICT OF UTAH

ALAELDIN AHMEDOMER,

Plaintiff(s),

vs.

DREYER'S GRAND ICE CREAM, INC.,

Defendant(s).

DEPUTY CLERK

**ORDER AND REFERRAL TO  
SETTLEMENT CONFERENCE  
PROCEEDINGS**

Case No: 2:04-CV-1122 PGC

District Judge Paul G. Cassell

The above-entitled matter is hereby referred to Magistrate Judge Brooke Wells to conduct a Settlement Conference on or before April 3, 2006 pursuant to DUCivR 16-3(b) and 28 U.S.C. § 636(b)(1). Any objection to this order must be filed within ten days. Settlement proceedings in this matter will be governed by the provisions of DUCivR 16-3, including its provisions on the confidentiality of Settlement Conferences and the requirement that a person or representative with full settlement authority is available during the settlement conference. This referral does not affect any deadlines scheduled in this case.

IT IS HEREBY ORDERED that counsel shall, on or before February 24, 2006, jointly contact the magistrate judge to whom this case is referred for settlement to set the date and time of the Settlement Conference.

DATED this 31<sup>st</sup> day of January, 2005.

By



Paul G. Cassell  
United States District Judge

8

United States District Court  
for the  
District of Utah  
February 1, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-01122

True and correct copies of the attached were either mailed, faxed or e-mailed  
by the clerk to the following:

Lauren I. Scholnick, Esq.  
STRINDBERG SCHOLNICK & CHAMNESS LLC  
44 EXCHANGE PL 2ND FL  
SALT LAKE CITY, UT 84111  
EMAIL

Ms. Mary Anne Q. Wood, Esq.  
WOOD CRAPO LLC  
60 E SOUTH TEMPLE STE 500  
SALT LAKE CITY, UT 84111  
EMAIL

Gregory D. Wolflick, Esq.  
WOLFLICK & SIMPSON  
130 N BRAND BLVD STE 410  
GLENDALE, CA 91203

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

**FILED**

CLERK, U.S. DISTRICT COURT

January 31, 2005 (2:52pm)

DISTRICT OF UTAH

FARNSWORTH,

Plaintiff,

vs.

KENNARD,

Defendant.

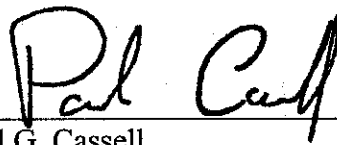
ORDER OF REFERENCE

Civil No. 2:94-CV-00064 PGC

IT IS ORDERED that, as authorized by 28 U.S.C. § 636(b)(1)(A) and the rules of this Court, the above entitled case is referred to Magistrate Judge David Nuffer, who has previously handled the matter on a (b)(1)(A) reference. The magistrate judge is directed to hear and determine any nondispositive pretrial matters pending before the Court.

DATED this 31<sup>st</sup> day of January, 2005.

BY THE COURT:



Paul G. Cassell  
United States District Judge

230

United States District Court  
for the  
District of Utah  
February 1, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:94-cv-00064

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. J. Mark Ward, Esq.  
UTAH ATTORNEY GENERAL'S OFFICE  
5110 STATE OFFICE BLDG  
PO BOX 142477  
SALT LAKE CITY, UT 84114-2477  
EMAIL

Alain C. Balmano, Esq.  
UTAH ATTORNEY GENERAL'S OFFICE  
LITIGATION UNIT  
160 E 300 S 6TH FL  
PO BOX 140856  
SALT LAKE CITY, UT 84114-0856  
EMAIL

Brian M. Barnard, Esq.  
UTAH LEGAL CLINIC  
214 E 500 S  
SALT LAKE CITY, UT 84111-3204  
EMAIL

Sirena M. Wissler, Esq.  
SALT LAKE COUNTY ATTORNEYS OFFICE  
2001 S STATE ST STE 3400  
SALT LAKE CITY, UT 84190  
JFAX 9,4682642

Mr. Nicholas M D'Alesandro, Esq.  
SALT LAKE COUNTY ATTORNEYS OFFICE  
2001 S STATE ST STE 3400  
SALT LAKE CITY, UT 84190  
EMAIL

Mr. T. J. Tsakalos, Esq.  
SALT LAKE COUNTY ATTORNEYS OFFICE  
2001 S STATE ST STE 3400  
SALT LAKE CITY, UT 84190  
EMAIL

Mr. Frank D Mylar, Esq.

MYLAR & ASSOCIATES  
6925 S UNION PK CTR STE 600  
MIDVALE, UT 84047  
EMAIL

Mr. David E Yocom, Esq.  
OFFICE OF THE DISTRICT ATTORNEY  
2001 S STATE ST STE 3600  
SALT LAKE CITY, UT 84190-1200  
EMAIL

Charles V. Farnsworth  
5820 79TH ST W  
LAKEWOOD, WA 98499

JAN 28 2005  
FILED  
CLERK, U.S. DISTRICT COURT  
U.S. DISTRICT COURT

2005 JAN 31 P 2: 55

DATE: 11/11/2011

BY: \_\_\_\_\_  
DEPUTY CLERK

RECEIVED  
JUL 14 1965  
OFFICE OF  
JUDGE THOMAS CASSELL

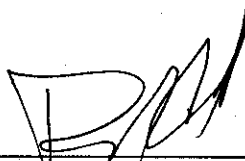
) Case No.: 2:04 CR 487 PGC  
)  
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)  
)  
) Hon. Paul G. Cassell  
)

IT IS FURTHER ORDERED that the parties shall file motions in the above entitled matter on or before the 4<sup>th</sup> day of March, 2005. *Motion Arg set for March 9<sup>th</sup> at 1:30 p.m.*

ab

IT IS FURTHER ORDERED that the additional time granted to the defendants extending the time for plea negotiations and filing motions, and the further delay caused by this extension of time shall be excluded for purposes of speedy trial pursuant to 18 U.S.C. § 3161(h)(8)(A) & (B), as not all of the discovery has been produced to date. *The trial dates of March 7<sup>th</sup> and March 14<sup>th</sup> are stricken*

DONE in chambers this 28<sup>th</sup> day of January, 2005.

  
\_\_\_\_\_  
District Judge

### CERTIFICATE OF SERVICE

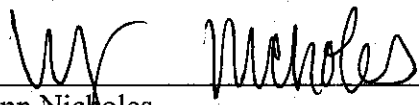
I, Lynn Nicholes, hereby certify that on the <sup>28<sup>th</sup></sup>~~20<sup>th</sup>~~ day of January 28, 2005, I served a copy of the above indicated document upon the counsel for the Plaintiff in this matter, by mailing it by first class mail with sufficient postage prepaid to the following address:

Colleen K. Coebergh  
Attorney General Office  
348 E South Temple  
Salt Lake City, Utah 84111

Wendy M. Lewis, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101

Kenneth L. Combs, Esq.  
Attorney at Law  
352 E RIVERSIDE DR #B2D  
ST GEORGE, UT 84790

David V. Finlayson, Esq.  
Attorney at Law  
43 E 400 S  
SALT LAKE CITY, UT 84111

  
\_\_\_\_\_  
Lynn Nicholes,  
Legal Assistant

United States District Court  
for the  
District of Utah  
February 1, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00487

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Colleen K. Coebergh, Esq.  
DRUG ENFORCEMENT ADMINISTRATION  
METROPOLITAN NARCOTICS TASK FORCE  
348 E SOUTH TEMPLE  
SALT LAKE CITY, UT 84111  
EMAIL

Mr. Edwin S. Wall, Esq.  
WALL LAW OFFICES  
8 E BROADWAY STE 500  
SALT LAKE CITY, UT 84111  
EMAIL

Wendy M. Lewis, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

Kenneth L. Combs, Esq.  
352 E RIVERSIDE DR #B2D  
ST GEORGE, UT 84790  
EMAIL

David V. Finlayson, Esq.  
43 E 400 S  
SALT LAKE CITY, UT 84111  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
/  
EMAIL

US Probation  
DISTRICT OF UTAH  
/  
EMAIL

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH CENTRAL DIVISION

FILED  
CLERK, U.S. DISTRICT COURT  
2005 JAN 31 P 2:56

USA

Plaintiff,

vs.

Roy Van Embden

Defendant.

Order Directing Briefing in Advance of  
Motion Hearing

and

NOTICE OF HEARING

Case No. 2;04-cr-00857-002 PGC

Counsel for the United States is **directed to file, ten days in advance of the motion to suppress hearing set for Tuesday, 03/08/2005 at 3:00 pm**, a statement of facts that it anticipates will emerge at the hearing, and cases supporting admission of the challenged evidence. This filing shall contain, at least, a chronology of events sufficient to permit defense counsel and the Court to prepare in advance for the factual and legal issues that are likely to emerge at the hearing. This filing may include police reports or other documents.

Counsel for the defendant may file a response to the filing of the United States two days in advance of the hearing. If the defendant's pleading is filed less than five days before the hearing, the defendant shall hand deliver or fax the pleading to the government and to the court.

Counsel are advised that the Court may, in its discretion, after hearing argument from counsel, rule from the bench concerning the challenged evidence, if the Court is sufficiently well advised of the facts and the law.

By directing this briefing schedule, the Court hopes to facilitate rapid decision on suppression issues. The Court invites feedback from counsel on the desirability of these procedures. **The trial date of 02/23/2005 is stricken.**

SO ORDERED.

DATED this 31st day of January, 2005



Paul G. Cassell  
United States District Judge

24

United States District Court  
for the  
District of Utah  
February 1, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00857

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. William L. Nixon, Esq.  
US ATTORNEY'S OFFICE  
/  
EMAIL

Karin Fojtik, Esq.  
US ATTORNEY'S OFFICE  
/  
EMAIL

Mr. Ronald J. Yengich, Esq.  
YENGICH RICH & XAIZ  
175 E 400 S STE 400  
SALT LAKE CITY, UT 84111  
EMAIL

Bel-Ami J. de Montreux, Esq.  
180 S 300 W #350  
SALT LAKE CITY, UT 84101  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
/  
EMAIL

US Probation  
DISTRICT OF UTAH  
/  
EMAIL

United States District Court  
for the District of Utah

Request and Order to Amend Previous Petition

Name of Offender: **Linda Kay Richins**

Docket Number: **2:04-CR-00156-001-PGC**

Name of Sentencing Judicial Officer: **Honorable Paul G. Cassell**

Date of Original Sentence: **September 27, 2004**

Original Offense: **Bank Fraud and Bankruptcy Fraud**

Original Sentence: **36 Months Probation**

Type of Supervision: **Probation**

Supervision Began: **September 27, 2004**

PETITIONING THE COURT

☒ To amend the petition signed on December 30, 2004, as follows:

CAUSE

*Allegations on December 30, 2004, petition:*

**Allegation No. 1:** On November 19, 2004, the defendant was found to be in violation of the rules of the Cornell Community Corrections Center, by unauthorized travel and visitation.

**Allegation No. 2:** On December 22, 2004, the defendant was found to be in violation of the rules of the Cornell Community Corrections Center, by unauthorized travel and visitation.

*Additional allegations:*

**Allegation No. 3:** Between December 13, 2004, and January 4, 2005, the defendant was associating with a convicted felon, in direct violation of her standard conditions.

**Allegation No. 4:** Between January 10 and 25, 2005, the defendant was associating with a convicted felon, in direct violation of her standard conditions.

**Allegation No. 5:** On January 26, 2005, the defendant was unaccountable in the community.

I declare under penalty of perjury that the foregoing is true and correct

JAN 30 2005

OFFICE OF  
JUDGE PAUL G. CASSELL

*Theresa Del Casale - Merino*  
Theresa Del Casale-Merino, U.S. Probation Officer  
January 27, 2005

THE COURT ORDERS:

- ☒ That the original petition be amended to include all allegations outlined
- ☐ No action
- ☐ Other

*Paul G. Cassell*  
Honorable Paul G. Cassell  
United States District Judge

Date: 1/31/05

24

tsh

United States District Court  
for the  
District of Utah  
February 1, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00156

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Gordon W Campbell, Esq.  
US ATTORNEY'S OFFICE

,  
EMAIL

Mr. Cy H Castle, Esq.  
US TRUSTEE'S OFFICE  
9 EXCHANGE PLACE STE 100  
BOSTON BLDG  
SALT LAKE CITY, UT 84111  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH

,  
EMAIL

US Probation  
DISTRICT OF UTAH

,  
EMAIL

Barton J. Warren, Esq.  
261 E BROADWAY STE 175  
SALT LAKE CITY, UT 84111-2604  
JFAX 9,5324222

United States District Court  
for the District of Utah

Second Request and Order to Amend Previous Petition

Name of Offender: **Marshall Allen Morrill**

Docket Number: **2:02-CR-00698-001-PGC**

Name of Sentencing Judicial Officer: **Honorable Paul G. Cassell**

Date of Original Sentence: **May 6, 2003**

Original Offense: **Possession of a Stolen Firearm**

Original Sentence: **24 Months BOP Custody/36 Months Supervised Release**

Type of Supervision: **Supervised Release**

Supervision Began: **August 17, 2004**

FILED  
CLERK, U.S. DISTRICT COURT

2005 JAN 31 P 1:50

BY: \_\_\_\_\_  
DEPUTY CLERK

**PETITIONING THE COURT**

☒ To amend the petition signed on January 19, 2005, and include additional allegations:

**CAUSE**

**RECEIVED**

*Allegations on January 19, 2005, petition:*

**JAN 30 2005**

**Allegation No. 1:** On December 15, 2004, the defendant submitted a urine sample, which tested positive for amphetamine and methamphetamine.

OFFICE OF  
**JUDGE PAUL G. CASSELL**

**Allegation No. 2:** On December 23, 2004, the defendant attempted to bribe personnel contracted for urine collection.

**Allegation No. 3:** On December 23, 2004, the defendant attempted to adulterate his urine specimen.

**Allegation No. 4:** On November 29, 2004, the defendant submitted a urine sample, which tested positive for amphetamine.

**Allegation No. 5:** The defendant has failed to obtain employment.

**Allegation No. 6:** The defendant has failed to participate in substance abuse treatment.

**Allegation No. 7:** The defendant failed to submit to drug testing on January 6 and January 12, 2005.

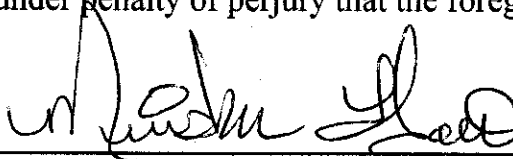
**Allegation No. 8:** The defendant has failed to report to the United States Probation Office as directed.

28

*Additional Allegations:*

**Allegation No. 9:** On January 25, 2005, the Lehi Police Department found the defendant attempting to burglarize a residence while in possession of a weapon and burglary tools.

I declare under penalty of perjury that the foregoing is true and correct

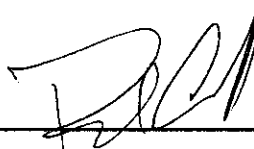


Meriska Holt  
U.S. Probation Officer  
Date: January 26, 2005


---

**THE COURT ORDERS:**

- ☒ That the original petition be amended to include all allegations outlined  
☐ No action  
☐ Other



Honorable Paul G. Cassell  
United States District Judge

Date:  January 31, 2005

tsh

United States District Court  
for the  
District of Utah  
February 1, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:02-cr-00698

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

US Probation  
DISTRICT OF UTAH

,  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH

,  
EMAIL

Mr. Richard G MacDougall, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

Robert E. Steed, Esq.  
US ATTORNEY'S OFFICE

,  
EMAIL

United States Probation Office  
for the District of Utah

Report on Offender Under Supervision

FILED  
CLERK U.S. DISTRICT COURT  
2005 JAN 31 P 1:51  
DISTRICT OF UTAH

Name of Offender: **Kent Southwick**

Docket Number: **2:04-CR-00608-001-PGC**

Name of Sentencing Judicial Officer: **Honorable Paul G. Cassell**  
**United States District Judge**

BY: \_\_\_\_\_  
DEPUTY CLERK

Date of Original Sentence: **February 9, 2001**

Original Offense: **Conspiracy to Possess with the Intent to Distribute and to Distribute Methamphetamine**

Original Sentence: **41 Months BOP Custody/36 Months Supervised Release**

Type of Supervision: **Supervised Release**

Supervision Began: **February 11, 2004**

**SUPERVISION SUMMARY**

On January 13, 2005, the defendant submitted a urinalysis test which was confirmed positive for methamphetamine. Mr. Southwick called and informed his United States Probation Officer that this would be the case. A meeting was held on January 28, 2005, to process the events leading up to this relapse. Mr. Southwick is aware that if this is to occur again, a more formal action would be taken and he would be referred back to treatment. At this time, the probation office would request that no further action be taken at this time.

If the Court desires more information or another course of action, please contact me at (801) 975-3400, extension 6620.

I declare under penalty of perjury that the foregoing is true and correct

**RECEIVED**

**JAN 30 2005**

**OFFICE OF  
JUDGE PAUL G. CASSELL**

Theresa Del Casale-Merino

Theresa Del Casale-Merino  
U.S. Probation Officer  
Date: January 28, 2005

THE COURT:

- ☒ Approves the request noted above  
☐ Denies the request noted above  
☐ Other

Paul G. Cassell  
Honorable Paul G. Cassell  
United States District Judge

Date: 1/31/05

5

tsh

United States District Court  
for the  
District of Utah  
February 1, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00608

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Richard N Lambert, Esq.  
US ATTORNEY'S OFFICE

,  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH

,  
EMAIL

US Probation  
DISTRICT OF UTAH

,  
EMAIL

United States District Court  
for the District of Utah

FILED  
CLERK, U.S. DISTRICT COURT

Petition and Order for Warrant for Offender Under Supervision

Name of Offender: **Linda Kay Richins**

Docket Number: **2:04-CR-00156-001-PGC**

Name of Sentencing Judicial Officer: **Paul G. Cassell**

Date of Original Sentence: **September 27, 2004**

Original Offense: **Bank Fraud and Bankruptcy Fraud**

Original Sentence: **36 months probation**

Type of Supervision: **Probation**

Supervision Began: **September 27, 2004**

**PETITIONING THE COURT**

☒ To issue a warrant and toll the supervision term  
1599 W. 2100 S. Salt Lake City, Utah 84119

**CAUSE**


The probation officer believes that the offender has violated the conditions of supervision as follows:

**Allegation No. 1:** On January 28, 2005, the defendant absconded from the Cornell Community Corrections Center.

I declare under penalty of perjury that the foregoing is true and correct



Theresa Del Casale-Merino, U.S. Probation Officer

Date: January 31, 2005 

**THE COURT ORDERS:**

- ☒ The issuance of a warrant and tolling of the supervision term  
☐ The issuance of a summons  
☐ No action  
☐ Other



Paul G. Cassell  
United States District Judge

Date: 1/31/05



United States District Court  
for the  
District of Utah  
February 1, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00156

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Gordon W Campbell, Esq.  
US ATTORNEY'S OFFICE

,  
EMAIL

Mr. Cy H Castle, Esq.  
US TRUSTEE'S OFFICE  
9 EXCHANGE PLACE STE 100  
BOSTON BLDG  
SALT LAKE CITY, UT 84111  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH

,  
EMAIL

US Probation  
DISTRICT OF UTAH

,  
EMAIL

FILED  
CLERK U.S. DISTRICT COURT  
2005 JAN 31 P 3:23

RECEIVED CLERK

2005 JAN 28 P 4:56

Tracy H. Fowler (1106)  
Kamie F. Brown (8520)  
Snell & Wilmer LLP.  
15 West South Temple, Suite 1200  
Gateway Tower West  
Salt Lake City, Utah 84101-1004  
Telephone: (801) 257-1900  
Facsimile: (801) 257-1800

RECEIVED

JAN 30 2005

OFFICE OF  
JUDGE PAUL G. CASSELL

Attorneys for Defendants Nissan North America,  
Inc., Nissan Motor Co., Ltd., and Central Glass Co.,  
Ltd.

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**

**CENTRAL DIVISION**

JERAD EGBERT, EMILY EGBERT,  
Individually and as Guardian for JANESEA  
EGBERT,

Plaintiffs,

vs.

NISSAN NORTH AMERICA, INC.,  
NISSAN MOTOR CO., LTD.; NATIONAL  
AUTO PLAZA, INC. CARLEX GLASS  
CO., CENTRAL GLASS CO., LTD., and  
JOHN DOES 1 THROUGH 10,

Defendants.

**ORDER GRANTING STIPULATION TO  
EXTEND FACT DISCOVERY DEADLINE**

Case No. 2:04-CV-00551 PGC

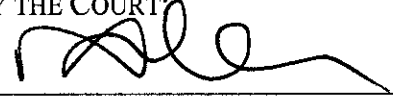
Judge Paul G. Cassell  
Magistrate David Nuffer

Based upon the stipulation of the parties, and good cause appearing,

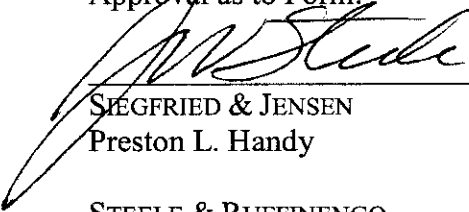
IT IS HEREBY ORDERED that the Stipulation to Extend Fact Discovery Deadline from  
January 31, 2005 to March 31, 2005 is granted.

SO ORDERED this 31 day of January, 2005.

BY THE COURT

  
Judge Paul G. Cassell  
District Court Judge DAVID NUFFER  
U.S. Magistrate Judge

Approval as to Form:



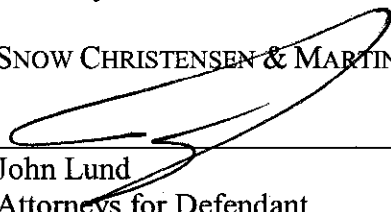
---

SEGFRIED & JENSEN  
Preston L. Handy

STEELE & RUFFINENGO  
Piero G. Ruffinengo  
Joseph W. Steele

WOLF ARDIS, P.C.  
Patrick Ardis  
Jill M. Madajczyk  
Attorneys for Plaintiffs

SNOW CHRISTENSEN & MARTINEAU



---

John Lund  
Attorneys for Defendant  
Carlex Glass Co.

### CERTIFICATE OF SERVICE

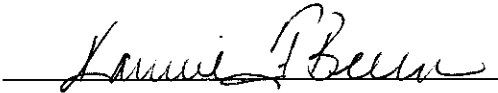
This is to certify that the foregoing was mailed, postage prepaid, this 28<sup>th</sup> day of January, 2005, to the following:

Preston L. Handy  
SIEGFRIED & JENSEN  
5664 South Green Street  
Salt Lake City, Utah 84123

Piero G. Ruffinengo  
Joseph W. Steele  
STEELE & RUFFINENGO, LLC  
50 South Main Street, Suite 1550  
Salt Lake City, Utah 84144

Patrick Ardis  
Jill M. Madajczyk  
WOLFF ARDIS, PC  
5810 Shelby Oaks Drive  
Memphis, TN 38134

John Lund  
SNOW CHRISTENSEN & MARTINEAU  
10 Exchange Place, 11th Floor  
Salt Lake City, Utah 84145

A handwritten signature in cursive script, appearing to read "Lammie T. Bevan", is written over a horizontal line.

United States District Court  
for the  
District of Utah  
February 1, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-00551

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:


Preston L. Handy, Esq.  
SIEGFRIED & JENSEN  
5664 S GREEN ST  
MURRAY, UT 84123  
EMAIL

David C. Biggs, Esq.  
STEELE RUFFINENGO & BIGGS  
50 S MAIN STE 1550  
SALT LAKE CITY, UT 84144  
EMAIL

Jill M. Madajczyk, Esq.  
5810 SHELBY OAKS DR  
MEMPHIS, TN 38134  
EMAIL

Tracy Fowler, Esq.  
SNELL & WILMER LLP  
15 W SOUTH TEMPLE STE 1200  
GATEWAY TOWER W  
SALT LAKE CITY, UT 84101  
EMAIL

Mr. John R Lund, Esq.  
SNOW CHRISTENSEN & MARTINEAU  
10 EXCHANGE PLACE  
PO BOX 45000  
SALT LAKE CITY, UT 84145-5000  
EMAIL

FILED  
CLERK, U.S. DISTRICT COURT  
2005 JUN 31 P 3:22  
DISTRICT OF UTAH  
BY:   
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2004 DEC 23 P 4:40

U.S. DISTRICT COURT  
DISTRICT OF UTAH

Douglas B. Cannon, A4287  
Gregory M. Saylin, A9648  
FABIAN & CLENDENIN,  
A Professional Corporation  
215 South State Street, Suite 1200  
P.O. Box 510210  
Salt Lake City, Utah 84151  
Telephone: (801) 531-8900

Arthur C. Johnson  
Dennis M. Gerl  
JOHNSON, CLIFTON, LARSON & CARSON, P.C.  
975 Oak Street, Suite 1050  
Eugene, Oregon 97401  
Telephone: (541) 484-2434

Attorneys for Plaintiff Larry Ney

RECEIVED

DEC 22 2004  
OFFICE OF  
JUDGE PAUL G. CASSELL

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

LARRY NEY,

Plaintiff,

vs.

ABBOTT LABORATORIES, a foreign  
corporation, and PERCLOSE, INC., a  
foreign corporation,

Defendants.

**ORDER GRANTING PLAINTIFF'S *EX*  
*PARTE* MOTION FOR LEAVE TO FILE  
OVERLENGTH MEMORANDUM**

Case No. 2:03CV00626 PGC

U.S District Judge Paul G. Cassell

Magistrate Judge David Nuffer


Based upon Plaintiff's *Ex Parte* Motion for Leave to File Overlength Memorandum, and  
good cause appearing therefor,

55

IT IS HEREBY ORDERED that Plaintiff Larry Ney, through his counsel of record, may file a memorandum of nineteen (19) pages of argument, exclusive of cover page, table of contents, statement of issues and statement of facts, in support of his Motion to Compel Discovery.

DATED this 31 day of ~~December, 2004~~ <sup>January 2005</sup>

BY THE COURT:

  
\_\_\_\_\_  
District Court Judge  
US Magistrate Judge

tsh

United States District Court  
for the  
District of Utah  
February 1, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:03-cv-00626

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Douglas B Cannon, Esq.  
FABIAN & CLENDENIN  
215 S STATE STE 1200  
PO BOX 510210  
SALT LAKE CITY, UT 84151  
EMAIL

FILED  
U.S. DISTRICT COURT  
2005 JAN 31 P 4:09  
DISTRICT OF UTAH  
IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

FLOYD ROBINSON,  
Plaintiff,

vs.

JOANNE B. BARNHART, Commissioner,  
Social Security Administration,  
Defendant.

DEPUTY CLERK

ORDER TO SHOW CAUSE

Case No. 2:04-CV-00224 PGC

On December 30, 2004, plaintiff Floyd Robinson filed a motion for attorneys fees under the Equal Access to Justice Act and Bill of Costs. As required by local rule 7(b)(3) of the Federal Rules of Civil Procedure, a memorandum opposing a motion must be filed within (15) days after service of the motion. As of the date of this order, defendant has yet to file a response. Therefore, the court ORDERS defendant, within 15 days of this order, to show cause as to why a response has not yet been filed and all reasons as to why plaintiff's motion for attorneys fees should not be granted.

DATED this 31st day of January, 2005.

BY THE COURT:



Paul G. Cassell  
United States District Judge

17

tsh

United States District Court  
for the  
District of Utah  
February 1, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-00224

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. John J. Borsos, Esq.  
PO BOX 112347  
SALT LAKE CITY, UT 84147-2347  
EMAIL

Scott Patrick Bates, Esq.  
US ATTORNEY'S OFFICE  
,  
EMAIL

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

CANDI COLEMAN,  
Plaintiff,

vs.

JOANNE B. BARNHART, Commissioner,  
Social Security Administration,  
Defendant.

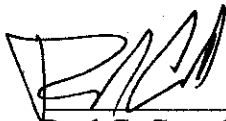
ORDER TO SHOW CAUSE

Case No. 2:04-CV-00222 PGC

On December 30, 2004, plaintiff Candi Coleman filed a motion for attorneys fees under the Equal Access to Justice Act and Bill of Costs. As required by local rule 7(b)(3) of the Federal Rules of Civil Procedure, a memorandum opposing a motion must be filed within (15) days after service of the motion. As of the date of this order, defendant has yet to file a response. Therefore, the court ORDERS defendant, within 15 days of this order, to show cause as to why a response has not yet been filed and all reasons as to why plaintiff's motion for attorneys fees should not be granted.

DATED this 31st day of January, 2005.

BY THE COURT:



Paul G. Cassell  
United States District Judge

7

tsh

United States District Court  
for the  
District of Utah  
February 1, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-00222

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. John J. Borsos, Esq.  
PO BOX 112347  
SALT LAKE CITY, UT 84147-2347  
EMAIL

Scott Patrick Bates, Esq.  
US ATTORNEY'S OFFICE  
/  
EMAIL

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

BRENDA CARTER,  
Plaintiff,

vs.

WAL-MART STORES, INC., and ELAN-  
POLO INC.,  
Defendants.

ORDER TO DISMISS WITH  
PREJUDICE

Case No. 2:03-CV-00754 PGC

Pursuant to the stipulation and motion of the parties, through counsel, and good cause appearing, now, therefore:

IT IS HEREBY ORDERED that plaintiff's complaint and all claims contained therein or arising therefrom against Wal-Mart Stores, Inc., and Elan-Polo, Inc., whether alleged or not alleged, pleaded or not pleaded, have been settled, compromised, and resolved in full and said complaint and all such claims are hereby dismissed, with prejudice, on the merits, with the parties to bear their own respective costs and fees.

DATED this 31st day of January, 2005.

BY THE COURT:



Paul G. Cassell  
United States District Judge

23

tsh

United States District Court  
for the  
District of Utah  
February 1, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:03-cv-00754

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Stephen J Trayner, Esq.  
STRONG & HANNI  
3 TRIAD CTR STE 500  
SALT LAKE CITY, UT 84180  
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Mitchel T. Rice, Esq.  
MORGAN MINNOCK RICE & JAMES  
136 S MAIN STE 800  
SALT LAKE CITY, UT 84101  
JFAX 9,5319732

Matthew Terry Graff, Esq.  
GRAFF & ASSOCIATES  
1957 W ROYAL HUNTE DR STE 200  
CEDAR CITY, UT 84720  
EMAIL

FILED  
CLERK, U.S. DISTRICT COURT

2005 JUN 31 P 4:09

U.S. DISTRICT COURT  
NORTHERN DIVISION

DEPUTY CLERK

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SAMUEL WESLEY OETINGER,

Defendant.

ORDER (1) DENYING  
DEFENDANT'S MOTION FOR  
ACQUITTAL AND (2) GRANTING  
DEFENDANT'S MOTION FOR A  
NEW TRIAL

Case No. 1:04-CR-00158 PGC

This matter is before the court on defendant Samuel Wesley Oetinger's motion for judgment of acquittal or an alternative motion for a new trial. Pursuant to Rule 33 of the Federal Rules of Criminal Procedure, the court finds that in the interest of justice a new trial is appropriate. Counsel for both parties have suggested that a key witness for the government testified while under the influence of drugs. Having become aware of this fact, it was an injustice to allow that testimony — no impeachment regarding that witness's past or current drug use was permitted — to be considered by the jury as it determined Oetinger's fate.

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Accordingly, Oetinger's motion for an acquittal is DENIED, and his motion for a new trial is granted.

DATED this 31 day of January, 2005.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. G. Cassell', written over a horizontal line.

Paul G. Cassell  
United States District Judge

United States District Court  
for the  
District of Utah  
February 1, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 1:04-cr-00158

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Robert C Lunnen, Esq.  
US ATTORNEY'S OFFICE

,  
EMAIL

Mr. Randy S Ludlow, Esq.  
185 S STATE STE 208  
SALT LAKE CITY, UT 84111  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH

,  
EMAIL

US Probation  
DISTRICT OF UTAH

,  
EMAIL

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION

FILED

2005 FEB -1 P 3:37

DISTRICT OF UTAH  
BY: \_\_\_\_\_  
DEPUTY CLERK

JUDY L. NERDEN,

Plaintiff,

vs.

DAVE MOORE'S INC., d/b/a Moore's  
Family Restaurant, a Utah corporation, and  
DAVID R. MOORE,

Defendants.

ORDER

Case No. 1:02-CV-156 TC

On January 4, 2005, Defendants filed a Motion for Summary Judgment, almost nine months after the April 9, 2004 deadline for filing dispositive motions. On January 7, 2005, Defendants filed a Motion to Continue Trial or, in the Alternative, to Expedite Ruling on Pending [Summary Judgment] Motion (trial is scheduled to begin on February 8, 2005). Then, on January 12, 2005, Defendants filed a Motion for Leave to file Motion for Summary Judgment. In their Memorandum in Support of the Motion for Leave, Defendants note that their Motion was necessitated, at least in part, by the passing of Plaintiff Judy Nerden on August 8, 2004.

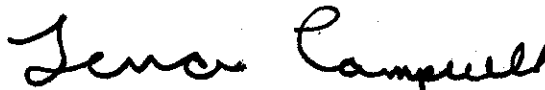
Plaintiff's counsel has filed a pleading noting that she does not oppose Defendants' request for leave to file the Motion for Summary Judgment or to continue the trial date. Accordingly, the court GRANTS Defendants' Motion for Leave and GRANTS Defendants' Motion to Continue Trial. Plaintiff's representative has thirty days from the date of this Order to

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file an opposition to Defendants' Motion for Summary Judgment.

IT IS SO ORDERED this 1 day of February, 2005.

BY THE COURT:

A handwritten signature in cursive script, reading "Tena Campbell".

TENA CAMPBELL  
United States District Judge

United States District Court  
for the  
District of Utah  
February 1, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 1:02-cv-00156

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Gregory J Sanders, Esq.  
KIPP & CHRISTIAN  
10 EXCHANGE PLACE FOURTH FL  
SALT LAKE CITY, UT 84111-2314  
EMAIL

Mr. Mark E Arnold, Esq.  
ARNOLD & WIGGINS  
57 W 200 S STE 105  
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Elizabeth M. Peck, Esq.  
350 S 400 E STE 101 A  
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